

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Arron Scott King,

Civil No. 15-3313 (DWF/TNL)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Anoka County and Kurt Duel,

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Tony N. Leung dated September 17, 2015. (Doc. No. 6.) No objections have been filed to that Report and Recommendation in the time period permitted.

The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. In the Report and Recommendation, Magistrate Judge Leung concluded that Plaintiff Arron Scott King (“King”) failed to exhaust his claims in the state courts and that even without considering exhaustion, King still would not be entitled to relief. The Court agrees and concludes, as did Magistrate Judge Leung, that King’s petition should be dismissed.

Accordingly, based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

ORDER

1. Magistrate Judge Tony N. Leung's September 17, 2015 Report and Recommendation (Doc. No. [6]) is **ADOPTED**.
 2. Petitioner Arron Scott King's petition for a writ of habeas corpus (Doc. No. [1]) is **DENIED**, as follows:
 - a. That the claim that the trial court violated King's federal constitutional rights by refusing to declare a mistrial after a witness offered testimony that King had been in prison is **DENIED WITHOUT PREJUDICE**.
 - b. That all other claims are **DENIED WITH PREJUDICE**.
 3. This action is **DISMISSED**.
 4. Petitioner should **NOT** be granted a Certificate of Appealability.
- LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: October 9, 2015

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge